

## R E M A R K S

Prior to entry of this Amendment:

- Claims **1-8, 15, 33, and 34** were pending in the present application
- Claims **1-8, 15, 33, and 34** stand rejected

Upon entry of this Amendment, which is respectfully requested for the reasons set forth below:

- Claims **1-8, 15, and 33-43** will be pending
- Claim **15** will be amended
- Claims **35-43** will be added
- Claims **1, 15, 33, 34, and 41** will be the only independent claims

### A. Section 102(b) and 103(a) Rejections

Claims **1, 2, 5-8, 33, and 34**, stand rejected under 35 U.S.C. 102(b) as being anticipated by archived pages of Betmaker.com.

Claims **3, 4, and 15** stand rejected under 35 U.S.C. 103(a) as being unpatentable over Betmaker.com in view of U.S. Patent No. 6,077,163 issued to Walker, et al. ("Walker"). We respectfully traverse the Examiner's Section 102(b) and Section 103(a) rejections.

All of the rejections depend on the Examiner's interpretation(s) of Betmaker.com. These interpretations do not support any rejection.

Our silence with respect to any particular assertion by the Examiner in the present Office Action is not to be understood as agreement. Rather, our arguments provided herein render any other such assertions moot. We will address any such assertions, as necessary, in the future.

### A.1. Independent Claims 1, 33, and 34

We respectfully submit that Claims **1, 33, and 34** are not anticipated by Betmaker.com. Betmaker.com does not teach or suggest all of the features of independent Claims **1, 33, and 34**.

With respect to independent Claims **1, 33, and 34**, the Examiner asserts that Betmaker.com discloses:

- *displaying a confirmation message if the wager amount is greater than the predetermined amount*

We respectfully traverse this assertion. We have carefully reviewed the Betmaker.com reference cited by the Examiner, without finding a teaching or suggestion of *displaying a confirmation message if the wager amount is greater than the predetermined amount*.

The Examiner asserts: “For example, the system will not accept bets less than the minimum bet; therefore the computer system checks to make sure the bet is greater than the minimum bet amount (See Betmaker.com “FAQ”). [Office Action, page 2]. The cited portion does not appear to support the Examiner’s interpretation. There is no evidence of (i) a “system will not accept bets less than the minimum bet,” or (ii) that a “computer system checks” anything. To the contrary, the passage indicates that a wager less than a so-called “minimum bet” may be accepted.

The Examiner further asserts: “A confirmation message is displayed if the wager amount is greater than the predetermined amount. For example, a confirmation message is displayed if the player meets the minimum bet (See Betmaker.com “Buy-wagering”) [Claims 1, 33, 34].” [Office Action, pages 2-3]. We disagree with this interpretation.

The portion of Betmaker.com “Buy-wagering” that appears to be related to a “confirmation message” is:

Once you have chosen your bets and clicked “Place Bets,” you will be taken to a confirmation page that looks like this:

\* \* \*

The confirmation page lets you review and confirm your bet: it restates the match up, your ticket number, the point spread, the money line and the amount that you’ve wagered.

The cited portion does not appear to support the Examiner’s alleged “example.” For instance, there is no evidence that the displaying of the “confirmation page” has anything to do with the amount of the bet. Contrary to the Examiner’s assertion, there is no disclosure that “a confirmation message is displayed if the player meets the minimum bet.” Betmaker.com is silent as to any relationship between the “minimum bet” and displaying of the “confirmation page.”

Accordingly, it appears that the Examiner has misread Betmaker.com and/or has relied on references not of record in rejecting independent Claims 1, 33, and 34 (at least with respect to the alleged “examples” that are not actually disclosed in

Betmaker.com). The Examiner has thus failed to establish a *prima facie* case of anticipation of any of Claims **1, 2, 5-8, 33, and 34**.

#### A.2. Claims 3 and 4

Claims **3 and 4** depend directly from independent Claim **1** and are submitted as being allowable for at least the reasons stated herein with respect to Claim **1**. Specifically, the Examiner has failed to establish by substantial evidence that all of the features of Claim **1** are taught by Betmaker.com. Accordingly, the Examiner has failed to establish a *prima facie* case of obviousness of Claims **3 and 4**.

#### A.3. Claim 15

We respectfully traverse the Examiner's present rejection of independent Claim **15**. We submit that the Examiner has failed to establish a *prima facie* case of obviousness of independent Claim **15** based on the asserted combination of Betmaker.com and Walker.

However, these arguments are moot, as Claim **15** has been amended to recite the following feature that is not disclosed by the cited references, alone or in combination:

- *in which the confirmation information includes an indication of the cost to play the game as a percentage of an available balance*

According to some embodiments of the present invention,

a confirmation message may include an indication of the player's available balance. In some cases, the message may also include an indication of the required wager compared to the balance. For example, the wager may be expressed as a percentage of the available balance, or the player may be told: "The wager for this game is a large portion of your balance! Are you sure you want to continue?"

[Specification, paragraph 386]. Betmaker.com and Walker do not appear to hint at indicating the cost to play a game as a percentage of an available balance, as now recited in independent Claim **15**.

Accordingly, independent Claim **15** is allowable over the cited references.

We respectfully request allowance of all of Claims **1-8, 15, 33, and 34**.

#### B. Newly-Added Claims 35-43 Are Patentable Over the Cited References

Newly-added Claims **35-43** are patentable over Betmaker.com and Walker for at least the reasons presented herein.

Various embodiments of the present invention provide for presenting confirmation information based on a comparison of the wager to an available balance. For example, FIG. 13D shows a confirmation screen 1350 that displays confirmation information including cost information 1365. The cost information 1365 includes an indication of the size of a wager in comparison to the user's total credit balance. In this example, the confirmation screen 1350 indicates that the wager is more than half of the total credit balance. Such a message could be output based on a rule or trigger condition (e.g., stored in confirmation criteria database 420) specifying that a player must confirm the wager if it is more than half of his credit balance, for example. In this way, the player may be given an opportunity to back out of a wager before fully committing to it. For instance, the player may not have fully appreciated the size of the wager, the amount of his remaining balance, or both. [See, e.g., Specification, paragraph 248]. According to some embodiments, a confirmation message may include an indication of the player's available balance. In some cases, the message may also include an indication of the required wager compared to the balance. For example, the wager may be expressed as a percentage of the available balance, or the player may be told: "The wager for this game is a large portion of your balance! Are you sure you want to continue?" [See, e.g., Specification, paragraph 386].

Neither Betmaker.com nor Walker, alone or in combination, teaches or suggests presenting confirmation information with respect to a comparison of a wager to available funds. Specifically, the cited references do not teach or suggest any of the following:

- 35. (NEW) *The apparatus of claim 34, in which the confirmation message includes a representation of the wager amount as a percentage of the balance of funds.*
- 36. (NEW) *The apparatus of claim 34, in which the confirmation message includes an indication of the wager amount compared to the balance of funds.*
- 37. (NEW) *The apparatus of claim 34, further comprising:*
- *determining a ratio of the wager amount to the balance of funds.*
- 38. (NEW) *The apparatus of claim 34, in which determining whether the wager amount required is greater than a predetermined amount comprises:*
- *determining an indication of the wager amount as a percentage of the balance of funds.*
- 39. (NEW) *The apparatus of claim 34, in which the predetermined amount corresponds to a predetermined ratio.*
- 40. (NEW) *The apparatus of claim 39, in which the predetermined ratio is not less than one half.*
- 41. (NEW) *A gaming device comprising:*

- *a processor; and*
- *a computer readable medium in communication with the processor and storing instructions configured to direct the processor to perform a method comprising:*
  - *determining a balance available for a player to wager;*
  - *determining a wager amount required for a game;*
  - *determining a ratio of the wager amount to the balance available; and*
  - *displaying a confirmation message if the determined ratio is greater than a predetermined ratio.*
- 42. *(NEW) The gaming device of claim 41, in which the confirmation message includes an indication of the determined ratio.*
- 43. *(NEW) The gaming device of claim 41, in which the predetermined ratio is not less than one half.*

For at least the reasons stated herein, we respectfully submit that new Claims 35-43 are allowable.

**C. Authorization to Charge Appropriate Fees & Petition for Extension of Time to Respond**

We do not believe that any fees are necessary for this response.

Please grant a petition for any extension of time required to make this Response timely.

If necessary, please charge any appropriate fees necessary per the following information:

Deposit Account: 50-0271

Order No.: 03-018

Please credit any overpayment to the same account.

*A duplicate copy of this authorization is enclosed for such purposes.*

**D. Conclusion**

It is submitted that all of the claims are in condition for allowance. The Examiner's early re-examination and reconsideration are respectfully requested.

If the Examiner has any questions regarding this amendment or the present application, the Examiner is cordially requested to contact Michael Downs at telephone number (203) 461-7292 or via electronic mail at mdowns@walkerdigital.com.

Respectfully submitted,

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Date

  
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